

# EXHIBIT 23



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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CORNELL HOLDEN and MIGUEL MEJIA on  
behalf of themselves and all others similarly situated,

Plaintiffs,

-against-

**1:17-cv-02192-JGK-RWL**

THE PORT AUTHORITY OF NEW YORK AND  
NEW JERSEY; THE PORT AUTHORITY POLICE  
DEPARTMENT; and MICHAEL OPROMALLA,  
SHAUN KEHOE, JOHN TONE, JORDAN  
ESPOSITO, MICHAEL DEMARTINO, RICHARD  
AYLMER, and OFFICERS JOHN DOE 1-100, sued  
in their individual capacities and official capacities as  
officers of the Port Authority Police Department,

**DECLARATION OF N.A.**

Defendants.  
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I declare as follows under penalty of perjury:

1. Due to the sensitive nature of the allegations I was accused of in this case and the other reasons detailed below, I wish to proceed anonymously in this case as N.A.
2. I have submitted a copy of this affidavit with my full name to plaintiffs' counsel for their file. I do not wish for the copy with my full name to be filed publicly.
3. My name is N.A. I am male and identify as gay. I was arrested by the Port Authority Police Department ("PAPD") on October 23, 2014 in the men's restroom of the Port Authority Bus Terminal ("PABT") under the charge of Public Lewdness and Exposure of a Person. At the time of my arrest, I was unemployed.



4. On the day of my arrest, I was at the PABT to board a bus to New Jersey. At the time of my arrest, I rode the bus daily between New Jersey and New York attempting to find a job in the city.

5. Before I boarded my bus at the PABT, I needed to use the restroom. Though I do not recall specifically which restroom I used, I believe it was a restroom on either the third or fourth floor because it was one I had used previously and was near the boarding area. I know I did not use the first floor restroom because it is dirty and disgusting.

6. At the time of my arrest, I suffered from a severe case of Obsessive Compulsive Disorder and Schizo-Affective Disorder. Because of my mental disorders and the compulsions associated with them, it is my regular practice to try to use closed stalls when using the restroom because of compulsions I suffer from related to genital hygiene.

7. On the day of my arrest, I tried using the closed stalls. One of the stalls was out of order and the other was locked. Therefore, I reluctantly decided to use a urinal. There was no one else at the urinals while I was urinating.

8. When I was almost finished urinating, in my peripheral view I noticed a man in plainclothes exit the previously locked stall. I did not face this individual nor pay him any particular attention. However, I could tell that he was staring at me, and I immediately felt uncomfortable.

9. After I finished urinating at the urinal, I went to wash my hands, and the man who had been looking at me stopped me. Upon trying to exit the restroom, he told me that he was a police officer and placed me under arrest. I was confused as to why I was being arrested, and the police officer did not give me a reason. I vividly recall the arresting officer say to me, "you gay people," as he placed me under arrest.



10. We exited the restroom and were met by another officer in plainclothes by an elevator. As both officers escorted me to a precinct located on a lower level, one of the officers stated to me: "don't come here anymore."

11. Following my arrest, I was detained for two to three hours. No one else was detained with me. I was offered a phone call but was so embarrassed by the arrest that I declined. While I was detained, the officers checked my belongings and removed the prescribed medications I was taking from my pockets. The officers commented that they were just vitamins even though they were my prescribed medications.

12. I was not told the reason for arrest at any point.

13. Once I was released from detention, I did not speak to anyone about the arrest. To this day, I have not told my friends or family about the arrest. I am embarrassed and angry that I was falsely arrested.

14. I believe that I was arrested because the arresting officer thought I was gay. I believe the officer thought I was gay based on how he was looking at me and his comment about "you gay people" after he arrested me. I feel as though my privacy was violated and that the officer had no business looking at me while I urinated.

15. When I was informed about the present litigation, I was glad that someone was finally doing something about my false arrest.

16. I would never engage in the lewd conduct about which I was accused. At the time of my arrest, I was in an over ten-year relationship with my partner. I have never tried, and would never try, to connect with someone sexually in a public place. I am religious and a very nervous person. It is not in my character to engage in lewd acts in restrooms or in public in general, and at the time of my arrest, I was in no way attempting to engage in a lewd act.



17. After I was released from detention, I immediately obtained legal representation. I was advised to plead guilty so that the case would be sealed and off of my record. As part of my plea, I was ordered to pay a fine of \$550 and attend one year of therapy. I attended the full year of therapy, paid the fine, and was told the case was closed and off of my record.

18. I did not attend therapy before being ordered to do so by the court.

19. The arrest negatively affected my mental health. It amplified the severe stress and mental disorders that I suffered from. The arrest also negatively affected my physical health, and I visited the doctor numerous times during the period following my arrest. I became physically ill and felt pain that kept me from being able to focus. Additionally, I became very nervous and anxious. I began to suffer from physical tics shortly after the arrest. I began to take injections of Aristada every four weeks for the tic.

20. Because of the arrest, I now try to avoid public restrooms entirely. Before the arrest, I always had the utmost respect for police officers, but now am afraid every time I see one. I get anxiety and suffer from panic attacks when I see a police officer. It triggers a reaction that I did not have prior to my arrest. Unfortunately, I have been back to the terminal, because I have to take the bus there to and from New Jersey.


21. I wish to remain anonymous in this case because of the sensitive nature of this allegation. I have never told my family, friends, or partner about my arrest. I do not want people to know my sexuality and judge me. I do not want people to perceive me negatively based on a crime for which I was targeted and falsely arrested, such as when I apply for a job. I want my personal life to remain private, and I do not want this arrest to define me for the rest of my life.



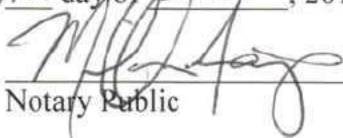
22. Despite wishing to remain anonymous, I still want to participate in the litigation because I feel that the Port Authority Police Department Officers targeted me in the restroom because I am gay. I feel like I was treated as a criminal for a crime I did not commit.

23. WHEREFORE, I respectfully request that the Court grant the relief sought by the Plaintiffs. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on 6/11/2019

  
N.A.

Sworn to before me this  
11th day of June, 2019.

  
Notary Public

